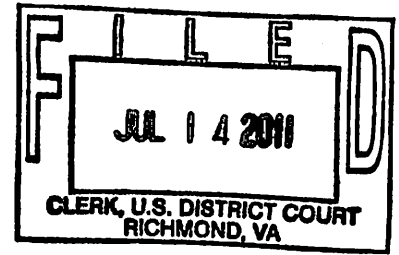


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



SHAQUITA WASHINGTON,

Plaintiff,

v.

H&P CAPITAL, INC.

Defendant.

-  
- Case No.: 3:11CV449

- PLAINTIFF'S VERIFIED  
- COMPLAINT AND  
- DEMAND FOR JURY  
- TRIAL  
-  
-

**COMPLAINT**

SHAQUITA WASHINGTON ("Plaintiff"), through attorneys, KROHN & MOSS, LTD., alleges the following against H&P CAPITAL, INC., ("Defendant"):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the state of Virginia, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

## **PARTIES**

6. Plaintiff is a natural person residing in Richmond, Virginia.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a company located in Jacksonville, Florida.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

## **FACTUAL ALLEGATIONS**

11. Beginning in June 2011, Defendant began contacting Plaintiff in an effort to collect an alleged debt originally owed for a payday loan.

12. Defendant called Plaintiff on her house telephone at 540-720-3412. Defendant's employee, who identified himself as Daryl Moore, threatened to sue Plaintiff and garnish her wages if she did not pay Defendant.

13. Defendant also told Plaintiff she committed a felony and that she would face jail time if she did not pay Defendant.

14. On June 6, 2011, Defendant called Plaintiff at her place of employment, the Heritage House, located in Virginia. Defendant spoke to Plaintiff's co-worker named Danielle and told Danielle that he was calling from a collection agency. Defendant also told Danielle that if Defendant did not hear back from Plaintiff that day, they would "move forward"

on Plaintiff's case. Defendant left the number of 904-418-5000 with Danielle to provide to Plaintiff.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Defendant violated the FDCPA based on the following:
- a. Defendant violated §1692c(b) of the FDCPA by disclosing the alleged debt to Plaintiff's co-worker, Danielle.
  - b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff.
  - c. Defendant violated §1692e(4) of the FDCPA by threatening that non-payment would result in Plaintiff's arrest in stating that she would face jail time.
  - d. Defendant violated §1692e(4) of the FDCPA by threatening that non-payment would result in garnishment.
  - e. Defendant violated §1692e(5) of the FDCPA by threatening to sue Plaintiff when Defendant did not intend or could not take such action.
  - f. Defendant violated §1692e(7) of the FDCPA by stating that Plaintiff committed a crime (a felony) in order to disgrace Plaintiff.

WHEREFORE, Plaintiff, SHAQUITA WASHINGTON, respectfully requests judgment be entered against Defendant, H&P CAPITAL, INC., for the following:

17. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: July 1, 2011

KROHN & MOSS, LTD.

By: 

Richard W. Ferris

VS# 31812

Ferris Winder, PLLC

530 East Main Street, Suite 710

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*Of Counsel*

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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, SHAQUITA WASHINGTON, demands a jury trial in this case.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF VIRGINIA

Plaintiff, SHAQUITA WASHINGTON, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, SHAQUITA WASHINGTON, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6-15-11  
Date

Shaquita Washington  
SHAQUITA WASHINGTON